

Message Text

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ACTION L-03

INFO OCT-01 IO-13 ISO-00 DOE-15 ACDA-12 CIAE-00
DODE-00 PM-05 INR-10 NSAE-00 NASA-01 NSC-05
SOE-02 SS-15 OES-07 AF-10 ARA-10 EA-10 EUR-12
NEA-10 OIC-02 EB-08 NRC-05 SP-02 CEQ-01 /159 W
-----087836 031933Z /43

P 031850Z APR 78
FM USMISSION GENEVA
TO SECSTATE WASHDC PRIORITY 7912
INFO USMISSION USUN NEW YORK

C O N F I D E N T I A L SECTION 01 OF 02 GENEVA 04953

E.O. 11652:GDS
TAGS: TSPA, UN, UR
SUBJ: OUTER SPACE LEGAL SUBCOMMITTEE - REMOTE SENSING

REF: GENEVA 7697

1. SUMMARY. AS AGREED AFTER PROCEDURAL DISPUTE, DISCUSSION OF THE MONGOLIAN WORKING PAPER IN REFTEL BEGAN IN FIRST SESSION ON 29 MARCH. IN ADDITION A WORKING PAPER #2 WAS SUBMITTED BY CHILE, NIGERIA AND SIERRA LEONE AND #3 ON 30 MARCH BY MEXICO. A MINIGROUP WAS FORMED TO SHAPE THE WORKING PAPER #1 TEXT FOR MAXIMUM COMMON ACCEPTANCE RESULTING A COMPROMISE TEXT THAT MANY DELS AGREED WITH AND SOME DELS, INCLUDING THE US, COULD NOT ACCEPT.

2. THE TEXTS OF WORKING PAPER BY CHILE, NIGERIA AND SIERRA LEONE AND WORKING PAPER #3 BY MEXICO ARE SET FORTH IN PARAGRAPHS 3 AND 4, RESPECTIVELY.

3. QUOTE. STATES CARRYING OUT REMOTE SENSING OF THE EARTH SHALL NOT, WITHOUT THE APPROVAL OF THE STATES WHOSE TERRITORIES ARE AFFECTED BY THESE ACTIVITIES, DIS-
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SEMINATE OR DISPOSE OF ANY DATA OR INFORMATION ON THE NATURAL RESOURCES OF THESE STATES TO THIRD STATES, INTERNATIONAL ORGANIZATIONS OR PRIVATE ENTITIES. UNQUOTE.

4. QUOTE. PRIOR TO THE INITIATION OF ACTIVITIES IN THE FIELD OF REMOTE SENSING, STATES PLANNING TO CONDUCT SUCH ACTIVITIES MUST NOTIFY THE SENSED STATE OF SUCH PLANS IF

SUCH ACTIVITIES RELATE TO THE NATURAL RESOURCES OF THE
SENSED STATE.

SENSED STATES HAVE THE RIGHT TO RECEIVE PRIMARY DATA AND
ANALYZED INFORMATION RESULTING FROM ACTIVITIES OF REMOTE
SENSING OF THEIR NATURAL RESOURCES OBTAINED BY THE STATE
CONDUCTING SUCH ACTIVITIES. SENSED STATES SHOULD ALSO
HAVE ACCESS TO ALL OTHER ANALYZED DATA RELATING TO THEIR
NATURAL RESOURCES, UNQUOTE.

5. NIGERIA, ROMANIA, PHILLIPINES, FRANCE, USSR. COLOMBIA,
HUNGARY, IRAN, EGYPT AND CHILE SUPPORTED PRINCIPAL OF
SOVEREIGNTY OVER NATURAL RESOURCES AS STATED IN MONGOLIAN
WORKING PAPER. FRANCE RESERVED RIGHT TO MAKE SOME MODI-
FICATIONS OF WORDING, AND USSR RESERVED RIGHT ON RETENTION
OF "INALIENABLE RIGHT." THE UK POINTED OUT THAT THE BACK-
GROUND PAPER PRODUCED FOR THE GA A/AC 105/118, 12 JUNE 73,
PAR 176, 177, CLEARLY PORTRAYED THAT OBSERVATION OF A
STATE FROM OUTSIDE ITS SOVEREIGN BOUNDARIES IS NOT
RESTRICTED BY INTERNATIONAL LAW; AND SINCE OUTER SPACE IS
NOT SOVEREIGN TERRITORY, THE IMPLIED INFRINGEMENT IN THE
PAPER IS UNACCEPTABLE. ITALY POINTED OUT THAT "ON THE
BASIS OF" SHOULD PROPERLY BE TERMED "IN RESPECT OF" WHEN
REFERRING TO INTERNATIONAL LAW. EGYPT PROPOSED TO ADD
"SOVEREIGNTY OVER INFORMATION" BACK INTO THE TEXT. USSR
PROPOSED THAT THIS PRINCIPLE SHOULD BE ELEVATED TO POSI-
TION OF FIRST PRINCIPLE FROM WHICH ALL OTHER PRINCIPLES
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NOW IN CONSIDERATION WOULD LOGICALLY FLOW.

6. A MINIGROUP WAS CONVENED IN THE AFTERNOON TO FURTHER
REFINE THE MONGOLIAN WORKING PAPER. ARGENTINA LED OFF
DISCUSSION WITH LENGTHY QUESTION RECITING FACTS THAT
EARTH STATION AND PROCESSING HARDWARE WERE AVAILABLE FROM
MANY COUNTRIES, NOT JUST US, ALSO COMPUTERS FOR ANALYSIS
ARE AVAILABLE FROM MANY SOURCES. THEREFORE, ANY COUNTRY
WISHING TO EQUIP ITSELF TO USE VALUABLE REMOTE SENSING
DATA COULD DO SO READILY, AND ASKED WHY IS THERE SUCH A
PREOCCUPATION WITH CONTROLS, NOTING, IN CLOSING, THAT
MANY NATIONS HAD ALREADY RECEIVED SUBSTANTIAL ECONOMIC
BENEFITS FROM USES OF LANDSAT DATA. USSR DEL FACETIOUSLY
ASKED FOR A US RESPONSE TO THE QUESTION, AND US TOOK THE
OPPORTUNITY TO ENDORSE FULLY WHAT ARGENTINA HAD SAID INSO-
FAR AS IT RELATED TO LANDSAT BUT POINTED OUT THAT SUCH
AN ASSESSMENT WAS NOT TRUE OF SYSTEMS OPERATED BY OTHER
COUNTRIES FOR MANY YEARS BECAUSE, ALTHOUGH DATA WAS BEING
COLLECTED, IT WAS NOT AVAILABLE TO OTHER COUNTRIES EXCEPT
UNDER AGREEMENTS OF PRIOR CONSENT AND RESTRICTED USE.

DEBATE IN THE MINIGROUP REFLECTED MANY OF THE SPEECHES

MADE EARLIER ON CONCEPTS OF SOVEREIGNTY. UK, FRG, ITALY, JAPAN AND AUSTRALIA WERE UNUSUALLY VOCAL AND VERY HELPFUL PUTTING DOWN THE NOTION OF SOVEREIGNTY OVER INFORMATION, DECLARING IT TO BE, AS THE US HAD STATED, A NON-EXISTENT AND UNACCEPTABLE NOTION OF RIGHT OF A STATE. THE CHAIRMAN OF THE MINIGROUP INTRODUCED A COMPROMISE TEXT READING "REMOTE SENSING OF THE EARTH IS TO BE CONDUCTED WITH DUE RESPECT FOR THE SOVEREIGNTY OF ALL STATES OVER THEIR WEALTH AND NATURAL RESOURCES." THE US DELEGATION INSISTED THAT IF THIS WERE TO BE REPORTED AS A NEW WP THEN THE US WOULD REQUIRE BRACKETS. THE USSR ARGUED IF BRACKETS WERE TO BE USED THEY WOULD PREFER TO BRACKET THE ORIGINAL TEXT.

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C O N F I D E N T I A L SECTION 02 OF 02 GENEVA 04953

FRANCE REFRAINED FROM TAKING A POSITION BUT SUGGESTED THAT THERE MAY BE A PRIOR STAGE WHERE THE FACT OF SENSING IS MADE KNOWN TO SENSED STATE. NIGERIA IN A TONE QUITE DIFFERENT FROM MOST PRIOR COMMENTS EXTOLLED THE POTENTIAL BENEFITS THAT RS COULD BRING TO A COUNTRY LIKE NIGERIA THROUGH COOPERATION AND SUGGESTED THAT THERE SHOULD BE COMPROMISE WORDING ACCEPTABLE TO EVERYONE. THE UK GOT QUICKLY TO THE HEART OF THE MATTER BY POINTING OUT THAT REMOTE SENSING WILL BE CARRIED OUT BY A NUMBER OF STATES AND INTERNATIONAL ORGANIZATIONS, AND THAT WP #1 IMPLIES ALL WILL HAVE TO CONSULT; THAT AN EXTRAORDINARY NUMBER, UP TO 150 STATES, WOULD BE INVOLVED; FURTHER THAT ANALYZED INFORMATION MAY COME TO LIGHT ONE MONTH, ONE YEAR OR TEN YEARS LATER AND THAT THE IMPLICATIONS ARE ENORMOUS.

7. THE US DEL SUMMARIZED THE LANDSAT HISTORY AND THE

IMPACT OF THE PRINCIPLE AS FOLLOWS:

(A) NO INSTANCE OF AGGRAVATION KNOWN IN ANY SENSED COUNTRY FROM SIX YEARS OF LANDSAT USE AND OPEN DISSEMINATION OF DATA.

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(B) 100 COUNTRIES PARTICIPATING.

(C) WISH DELEGATIONS WOULD FAMILIARIZE THEMSELVES WITH S&T REPORT ON RS.

(D) PRACTICAL EFFECT OF WP #2.

- US COULD NOT SUPPLY DATA TO ANY OTHER COUNTRY.

- EXTREMELY DIFFICULT AND COSTLY TO SEPARATE OUT SPECIFIC INFORMATION WITH RESPECT TO EACH COUNTRY SINCE BORDERS DO NOT SHOW.

- ONLY TOTALITY OF INFORMATION IS FULLY USEFUL SINCE GROUND TRUTH AND AERIAL SURVEY INFORMATION IS NEEDED.

- REGIONAL STATIONS COULD NOT BE DEVELOPED.

(E) US, USSR, PROBABLY FRANCE, JAPAN, INDIA AND ESA EACH WOULD HAVE A RS SYSTEM AND HAVE DATA FOR ITS USE, THUS CREATING HAVE AND HAVE-NOT STATES.

(F) OUTER SPACE TREATY REQUIRES COOPERATION AND REPORTING OF RESULTS AND THEREFORE DISSEMINATION.

(G) WE SHOULD BE DEVELOPING PRINCIPLES TO ASSIST THOSE STATES WHO HAVE THE TECHNOLOGY TO ASSIST THOSE STATES WHO HAVE NOT.

(H) EVEN ASSUMING WE WOULD ACCEPT INTERNATIONAL DISSEMINATION LIMITATION, WHICH WE DO NOT, OUR DOMESTIC LAW REQUIRES DISSEMINATION TO ANY CITIZEN, ENTITY OR FOREIGN
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STATE OR PERSON.

8. WORKING GROUP DEBATE CONCLUDED AT THIS POINT WITH

PLAN TO RECONVENE FOLLOWING SUBCOMMITTEE PLENARY ON
MARCH 31. VANDEN HEUVEL

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 jan 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: REMOTE SENSING, COMMITTEES, SPACE PROGRAMS
Control Number: n/a
Copy: SINGLE
Draft Date: 03 apr 1978
Decaption Date: 01 jan 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 20 Mar 2014
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1978GENEVA04953
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: GS
Errors: N/A
Expiration:
Film Number: D780143-1050
Format: TEL
From: GENEVA
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1978/newtext/t197804100/aaaadhfw.tel
Line Count: 226
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: 344db2a5-c288-dd11-92da-001cc4696bcc
Office: ACTION L
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 5
Previous Channel Indicators: n/a
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: 78 GENEVA 7697
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 27 may 2005
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 2817986
Secure: OPEN
Status: NATIVE
Subject: OUTER SPACE LEGAL SUBCOMMITTEE - REMOTE SENSING
TAGS: TSPA, UR, UN
To: STATE
Type: TE
vdkgvwkey: odbc://SAS/SAS.dbo.SAS_Docs/344db2a5-c288-dd11-92da-001cc4696bcc
Review Markings:
Sheryl P. Walter
Declassified/Released
US Department of State
EO Systematic Review
20 Mar 2014
Markings: Sheryl P. Walter Declassified/Released US Department of State EO Systematic Review 20 Mar 2014